IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Application No. 7 of 2007

Shri Vijay Waghu Kindre Applicant

Vs.

State of Maharashtra Respondent

Mr.S.G.Page with Mr.S.R.Page for applicant.

Mr.U.V.Nikam, APP for State.

CORAM: B.H.MARLAPALLE,J.

January 17, 2007.

P.C.

. Heard Mr.Page, the learned counsel fo the applicant and the learned APP who has also placed before me a copy of the charge-sheet submitted before the learned Magistrate for the offence punishable under Section 307 read with Section 34 of IPC. The learned Addl. Sessions Judge at Thane was pleased to reject the application for bail filed by the present applicant who is accused no.1. The accused no.1 is the father of the present applicant. It is alleged that the complainant, who is a distant cousin, was attacked by accused no.1 with a knife and the accused no.2 was holding the complainant. The incident allegedly arose on account of the complainant giving some message to the accused regarding the quarrel

that had taken place between the near relations. The date of incident is 3/12/2006 and the complainant was hospitalised, he was operated and the injury certificate has been issued by Ashirwad Hospital at Navi Mumbai. The age of the accused no.1 is about 45 years and the accused no.2 is stated to be of 22 years. Having regards to the charge-sheet already submitted and the charge alleged against the present applicant (accused no.2), he deserves to be released on bail and the learned Addl. Sessions Judge turned down the plea for bail on the ground that the injuries sustained by the victim were on his vital part and injuries were grievous in nature. The learned Sessions Judge further noted that the investigation was in progress.

. Hence this application succeeds and the same is hereby allowed. It is directed that the applicant - accused no.2 shall be released on bail on furnishing PR bond in the sum of Rs.3,000/- with two solvent sureties in the like amount. In addition the applicant shall report to the Turbhe police station once in a week till the trial commences and he shall not go out of station unless he obtains permission

from the said police station. On commencement of trial he shall remain present before the Sessions Court on the dates fixed failing which his bail will stand cancelled.

(B.H